

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00928-CJN**

PHILLIPS v. DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 04/02/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JOSHUA PHILLIPS

represented by **Joseph Creed Kelly**
LAW OFFICE OF JOSEPH CREED
KELLY
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ATTORNEY TO BE NOTICED

V.

Defendant

**DEPARTMENT OF HOMELAND
SECURITY**

represented by **Jason Todd Cohen**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
202-252-2523
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TERMINATED: 11/22/2019
LEAD ATTORNEY
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Sean Michael Tepe
U.S. DEPARTMENT OF JUSTICE
555 Fourth Street, NW
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ATTORNEY TO BE NOTICED

Defendant

**CUSTOMS AND BORDER
PROTECTION**

represented by **Jason Todd Cohen**
(See above for address)
TERMINATED: 11/22/2019
LEAD ATTORNEY
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Sean Michael Tepe
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LEAD ATTORNEY
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Defendant

**IMMIGRATION AND CUSTOMS
ENFORCEMENT**

represented by **Jason Todd Cohen**
(See above for address)

TERMINATED: 11/22/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean Michael Tepe
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ATTORNEY TO BE NOTICED

Defendant

**CITIZENSHIP AND IMMIGRATION
SERVICES**

represented by **Jason Todd Cohen**
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TERMINATED: 11/22/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean Michael Tepe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

represented by **Jason Todd Cohen**
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TERMINATED: 11/22/2019
LEAD ATTORNEY
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Sean Michael Tepe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ADMINISTRATION FOR CHILDREN
AND FAMILIES**

represented by **Jason Todd Cohen**
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TERMINATED: 11/22/2019
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Sean Michael Tepe
(See above for address)
LEAD ATTORNEY
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Defendant

DEPARTMENT OF JUSTICE

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Defendant

DEPARTMENT OF STATE

represented by **Jason Todd Cohen**
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TERMINATED: 11/22/2019
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sean Michael Tepe

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Jason Todd Cohen**

(See above for address)

TERMINATED: 11/22/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sean Michael Tepe

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/02/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-6037211) filed by Joshua Phillips. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons DHS, # <u>3</u> Summons CBP, # <u>4</u> Summons ICE, # <u>5</u> Summons CIS, # <u>6</u> Summons HHS, # <u>7</u> Summons ACF, # <u>8</u> Summons DOJ, # <u>9</u> Summons DOS, # <u>10</u> Summons OMB, # <u>11</u> Summons US Atty Gen, # <u>12</u> Summons USAO DC)(Kelly, Joseph) (Entered: 04/02/2019)
04/03/2019		Case Assigned to Judge Reggie B. Walton. (zsb) (Entered: 04/03/2019)
04/03/2019	<u>2</u>	SUMMONS (11) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachmen: # <u>1</u> Notice and Consent)(zsb) (Entered: 04/03/2019)
05/13/2019	<u>3</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 05/13/2019)
05/13/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/16/2019. (Answer due for ALL FEDERAL DEFENDANTS by 5/16/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ADMINISTRATION FOR CHILDREN AND FAMILIES served on 4/15/2019; CITIZENSHIP AND IMMIGRATION SERVICES served on 4/15/2019; CUSTOMS AND BORDER PROTECTION served on 4/15/2019; DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/18/2019; DEPARTMENT OF HOMELAND SECURITY served on 4/15/2019; DEPARTMENT OF JUSTICE served on 4/16/2019; DEPARTMENT OF STATE served on 5/10/2019; IMMIGRATION AND CUSTOMS ENFORCEMENT served on 4/15/2019; OFFICE OF MANAGEMENT AND BUDGET served on 4/16/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/16/2019. (Kelly, Joseph) (Entered: 05/13/2019)
05/14/2019	<u>5</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ADMINISTRATION FOR CHILDREN AND FAMILIES, CITIZENSHIP AND IMMIGRATION SERVICES, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF MANAGEMENT AND BUDGET (Cohen, Jason) (Entered: 05/14/2019)
05/16/2019		MINUTE ORDER. Upon consideration of the <u>5</u> Defendants' Motion for Extension of Time to Answer or Otherwise Respond to Complaint, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the defendants shall respond to the plaintiff's Complaint on or before July 1, 2019. Signed by Judge Reggie B. Walton on May 16, 2019. (lcrbw3) (Entered: 05/16/2019)

05/16/2019		Set/Reset Deadlines: Answer to the Complaint due by 7/1/2019, (hs) (Entered: 05/16/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Reggie B. Walton is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/01/2019	<u>6</u>	ANSWER to Complaint by ADMINISTRATION FOR CHILDREN AND FAMILIES, CITIZENSHIP AND IMMIGRATION SERVICES, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF MANAGEMENT AND BUDGET.(Cohen, Jason) (Entered: 07/01/2019)
08/13/2019		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. The requirements of Local Civil Rule 16.3 and Federal Rule of Civil Procedure 26(f) appear to be inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before September 12, 2019. The Joint Status Report shall address: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on August 13, 2019. (lccjn1) (Entered: 08/13/2019)
08/14/2019		Set/Reset Deadlines: Joint Status Report due by 9/12/2019. (mac) (Entered: 08/14/2019)
09/07/2019	<u>7</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by ADMINISTRATION FOR CHILDREN AND FAMILIES, CITIZENSHIP AND IMMIGRATION SERVICES, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF MANAGEMENT AND BUDGET (Cohen, Jason) (Entered: 09/07/2019)
09/11/2019		MINUTE ORDER. Upon review of Defendants' <u>7</u> Unopposed Motion for Extension of Time to File Joint Status Report, it is hereby ORDERED that the Motion is GRANTED and that the Parties shall file a Joint Status Report on or before September 26, 2019. Signed by Judge Carl J. Nichols on September 11, 2019. (lccjn3) (Entered: 09/11/2019)
09/11/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/26/2019. (zcdw) (Entered: 09/12/2019)
09/23/2019	<u>8</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by ADMINISTRATION FOR CHILDREN AND FAMILIES, CITIZENSHIP AND IMMIGRATION SERVICES, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF MANAGEMENT AND BUDGET (Cohen, Jason) (Entered: 09/23/2019)
10/09/2019		MINUTE ORDER. Upon consideration of Defendants' <u>8</u> Unopposed Motion for Extension of Time to File Join Status Report, it is hereby ORDERED that the Motion is GRANTED and that the Parties shall file a Joint Status Report on or before October 10, 2019. The Court notes that this is Defendant's second extension of time for this Joint Status Report and future extensions of time will be disfavored. Signed by Judge Carl J. Nichols on October 9, 2019. (lccjn3) (Entered: 10/09/2019)
10/10/2019	<u>9</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, CITIZENSHIP AND IMMIGRATION SERVICES, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, IMMIGRATION AND CUSTOMS ENFORCEMENT, OFFICE OF MANAGEMENT AND BUDGET. (Cohen, Jason) (Entered: 10/10/2019)

10/23/2019		MINUTE ORDER. In light of the Parties' 2 Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before December 9, 2019. Signed by Judge Carl J. Nichols on October 23, 2019. (lccjn3) (Entered: 10/23/2019)
10/23/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/9/2019. (zcdw) (Entered: 10/23/2019)
11/22/2019	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of All Defendants Substituting for attorney Jason Cohen (Tepe, Sean) (Entered: 11/22/2019)